

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JAMES GLORIA,

Plaintiff,

v.

ALLSTATE INDEMNITY COMPANY,  
and DOES 1 through 50,  
inclusive,

Defendant.

NO. 2:22-cv-01126 WBS CKD

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for October 24, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction over this insurance discovery dispute is  
10 predicated upon 28 U.S.C § 1332, because the parties are diverse  
11 and the amount in controversy exceeds \$75,000. The case was  
12 removed to this court from the San Joaquin County Superior Court,  
13 Venue is undisputed and hereby found to be proper.

14 IV. DISCOVERY

15 The parties agree to serve the initial disclosures  
16 required by Federal Rule of Civil Procedure 26(a)(1) on or before  
17 November 7, 2022.

18 The parties shall disclose experts and produce reports  
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
20 later than July 7, 2023. With regard to expert testimony  
21 intended solely for rebuttal, those experts shall be disclosed  
22 and reports produced in accordance with Federal Rule of Civil  
23 Procedure 26(a)(2) on or before August 8, 2023.

24 All discovery, including depositions for preservation  
25 of testimony, is left open, save and except that it shall be so  
26 conducted as to be completed by September 8, 2023. The word  
27 "completed" means that all discovery shall have been conducted so  
28 that all depositions have been taken and any disputes relevant to

1 discovery shall have been resolved by appropriate order if  
2 necessary and, where discovery has been ordered, the order has  
3 been obeyed.<sup>1</sup> All motions to compel discovery must be noticed on  
4 the magistrate judge's calendar in accordance with the local  
5 rules of this court and so that such motions may be heard (and  
6 any resulting orders obeyed) not later than September 8, 2023.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary  
9 restraining orders, or other emergency applications, shall be  
10 filed on or before October 24, 2023. All motions shall be  
11 noticed for the next available hearing date. Counsel are  
12 cautioned to refer to the local rules regarding the requirements  
13 for noticing and opposing such motions on the court's regularly  
14 scheduled law and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for January 16,  
17 2024, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
18 attended by at least one of the attorneys who will conduct the  
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for  
21 trial at the time of the Pretrial Conference, with no matters  
22 remaining to be accomplished except production of witnesses for  
23 oral testimony. Counsel shall file separate pretrial statements,  
24 and are referred to Local Rules 281 and 282 relating to the

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25 <sup>1</sup> Although the parties suggest a mid-discovery status  
26 report conference, none is ordered in this Order. However, if  
27 the parties feel they need a mid-discovery status report, they  
28 may request a status conference by contacting the courtroom  
deputy clerk at that time. Any discovery disputes should be  
addressed to the assigned magistrate judge.

1 contents of and time for filing those statements. In addition to  
2 those subjects listed in Local Rule 281(b), the parties are to  
3 provide the court with: (1) a plain, concise statement which  
4 identifies every non-discovery motion which has been made to the  
5 court, and its resolution; (2) a list of the remaining claims as  
6 against each defendant; and (3) the estimated number of trial  
7 days.

8 In providing the plain, concise statements of  
9 undisputed facts and disputed factual issues contemplated by  
10 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims  
11 that remain at issue, and any remaining affirmatively pled  
12 defenses thereto. If the case is to be tried to a jury, the  
13 parties shall also prepare a succinct statement of the case,  
14 which is appropriate for the court to read to the jury.

15 VII. TRIAL SETTING

16 The jury trial is set for March 12, 2024 at 9:00 a.m.  
17 The parties estimate that the trial will last five to seven days.

18 VII. SETTLEMENT CONFERENCE

19 A Settlement Conference will be set at the time of the  
20 Pretrial Conference. All parties should be prepared to advise  
21 the court whether they will stipulate to the trial judge acting  
22 as settlement judge and waive disqualification by virtue thereof.

23 Counsel are instructed to have a principal with full  
24 settlement authority present at the Settlement Conference or to  
25 be fully authorized to settle the matter on any terms. At least  
26 seven calendar days before the Settlement Conference counsel for  
27 each party shall submit a confidential Settlement Conference  
28 Statement for review by the settlement judge. If the settlement

1 judge is not the trial judge, the Settlement Conference  
2 Statements shall not be filed and will not otherwise be disclosed  
3 to the trial judge.

4 VIII. MODIFICATIONS TO SCHEDULING ORDER

5 Any requests to modify the dates or terms of this  
6 Scheduling Order, except requests to change the date of the  
7 trial, may be heard and decided by the assigned Magistrate Judge.  
8 All requests to change the trial date shall be heard and decided  
9 only by the undersigned judge.

10 IT IS SO ORDERED.

11 Dated: October 13, 2022



12 WILLIAM B. SHUBB  
13 UNITED STATES DISTRICT JUDGE  
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